

Appl. No. 09/857,465
Rule 312 Amendment
Atty Dkt. No. P66645US0

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REMARKS

In the Notice of Allowance of April 24, 2006, the Examiner canceled claims 12-14 as directed to a non-elected invention and rejoined original claims 15-21 as drawn to a subset of allowed claim 11. The Examiner also amended claims 11, 17 and 19 to correct what the Examiner understood to be minor formality errors.

Applicant discovered that the Examiner's amendment of claims 11, 17 and 19 was incorrect in view of the specification. During a telephonic interview with Examiner Davis on June 15, 2006, Applicant's representative indicated that claims 11, 17 and 19 should include the aryl group as a direct substituent of R^2 in the claim, not as a substituent of a C_{1-6} alkyl group. The Applicant's representative directed the Examiner's attention to page 4, lines 4-6 of the specification:

"Preferably R^2 is selected from optionally, hydroxy, halo, alkoxy substituted branched and straight chain C_1 - C_6 alkyl, including methyl, ethyl, i-propyl, i-butyl, t-butyl; and aryl, including phenyl and benzyl." (emphasis added)

Both the Examiner and Applicant's representative agreed during the interview, that the semi-colon in the above sentence is there to distinguish the aryl group as a separate description of a possible substituent, not as a substituent of an alkoxy substituted branched and straight chain C_1 - C_6 alkyl group. This makes sense because aryl, phenyl and benzyl are not alkoxy substituents.

This interpretation is further supported elsewhere in the specification. For example, compare the sentence on page 4 with the specification on page 3, lines 6-10, where it is clear that in that embodiment of R^2 , the aryl group is an optional substituent of the C_1 - C_8 alkyl group.

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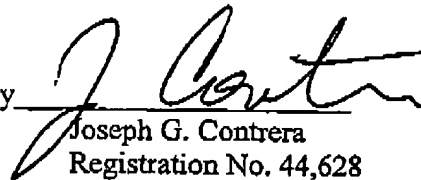
As a result of the interview, Applicant has amended claims 11, 17 and 19 to clearly recite that the aryl group can be a direct substituent of R². Entry of the amended claims is respectfully requested.

Applicant believes that the claims as amended are allowable and do not require further examination. If there are any questions, the Examiner is invited to call the attorney at 202-638-6666. Entry of the amendment and reconsideration is respectfully requested.

Respectfully submitted,
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